

PRODUCT: Butter. 10 30-pound cases at Newport, 3 cases, containing approximately 70 pounds, at Fort Thomas, and 320 pounds at Covington, Ky. All three lots were short weight.

LABEL, IN PART: (Retail carton or wrapper) "1 Lb. Net Latonia Springs Dairy Butter, Distributed by Summe & Ratermann Co., Covington, Kentucky," "Jersey Farm Dairy Creamery Butter 1 Lb. Net Wt. Distributed by Jersey Farm Dairy, Ft. Thomas, Ky.," or "Half Pound Net Wt. Clover Leaf Dairy Creamery Butter, Newport, Ky. Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Half Pound Net Wt.," "1 Lb.," or "1 Lb. Net Wt." were false and misleading since the articles were short weight; and, Section 403 (e), the label of the article failed to bear a correct statement of the quantity of the contents.

DISPOSITION: May 28 and July 10, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to public welfare institutions.

11180. Misbranding of butter. U. S. v. 4 Cartons (approximately 200 pounds)
* * * (F. D. C. No. 20288. Sample No. 51164-H.)

LABEL FILED: June 1, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about May 15, 1946, by Leonard Svihel, from Lake Preston, S. Dak.

PRODUCT: 4 cartons, each containing about 50 pounds, of butter at Minneapolis, Minn. Examination showed that the product was short weight.

LABEL, IN PART: "One Pound De Smet De Luxe Brand Butter * * * Farmers Creamery Ass'n. De Smet, So. Dakota."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2); the label of the article did not bear an accurate statement of the quantity of the contents.

DISPOSITION: September 20, 1946. The Farmers Creamery Association, De Smet, S. Dak., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

CHEESE*

11181. Adulteration of cheese. U. S. v. Hygrade Food Products Corp. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 20136. Sample No. 14852-H.)

INFORMATION FILED: July 17, 1946, Western District of Wisconsin, against the Hygrade Food Products Corp., Belmont, Wis.; charging the defendant with the giving of a false guaranty. The guaranty was given by the defendant to Schmitt Brothers & Walther, Platteville, Wis., on or about January 4, 1945, and provided that all cheese shipped or delivered by the defendant pursuant to the guaranty would comply with the Federal Food, Drug, and Cosmetic Act. On or about September 10, 1945, the defendant sold and delivered a quantity of cheese under the guaranty, a portion of which was shipped by the purchaser, on or about October 3, 1945, from the State of Wisconsin into the State of Michigan.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 9, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$1,000.

11182. Adulteration of cottage cheese. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$25. (F. D. C. No. 20174. Sample No. 25460-H.)

INFORMATION FILED: August 30, 1946, District of Utah, against the Mutual Creamery Co., a corporation, Ogden, Utah.

ALLEGED SHIPMENT: On or about August 11, 1945, from the State of Utah into the State of Colorado.

*See also Nos. 11152-11154.

the contents; and (80 dozen 1½-ounce cans), Section 403 (d), the container of the article was so filled as to be misleading since the contents occupied only approximately 50 percent of the volume of the can.

DISPOSITION: June 6, August 6, and September 6, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

11185. Adulteration and misbranding of grated cheese. U. S. v. 70 Cases, etc. (and 3 other seizure actions). (F. D. C. Nos. 19966, 20038, 20245, 20521. Sample Nos. 1737-H, 1761-H, 53015-H, 65216-H.)

LIBELS FILED: Between the dates of May 28 and July 15, 1946, Northern District of Georgia, Northern District of Ohio, and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of February 8 and June 12, 1946, by Louis Travaglini, from Philadelphia, Pa.

PRODUCT: Grated cheese. 70 cases each containing 24 5-ounce, or 2-ounce jars, and 40 cases each containing 24 5-ounce jars at Atlanta, Ga.; 30 cases each containing 24 5-ounce jars at Cleveland, Ohio; and 32 cases each containing 24 2-ounce bottles at Camden, N. J. Examination showed that 3 lots of the article contained approximately 18 or 19 percent lactose, indicating the presence of a milk product other than cheese. In all 4 lots the article was found to be short weight.

LABEL, IN PART: "Rossi's Brand Grated Cheese Contents 5 [or "2"] Ozs. or Over Packed by Rossi Packing Co. Philadelphia, Pa.," or "Maria Brand Grated Grated from Aged Cheddar and Italian Type Cheese with Salt, Skim Milk Solids, Spices and Flavoring Added Net Wt. When Packed 5 Ozs. Packed by Mrs. Casa Foods Phila. Pa."

NATURE OF CHARGE: Adulteration (3 lots), Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese, which the article was represented to be.

Misbranding (3 lots), Section 403 (a), the designation "Grated Cheese" was false and misleading; (all lots) Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; and (1 lot), Section 403 (f), the common or usual names of the ingredients of the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use since the information was printed in very small type.

DISPOSITION: On July 8 and September 3 and 25, 1946, no claimant having appeared for the 70-case lot at Atlanta and the lots at Cleveland and Camden, judgments of condemnation were entered. The Cleveland and Atlanta lots were ordered destroyed and the Camden lot was ordered delivered to a charitable organization.

On October 3, 1946, Louis Travaglini, claimant for the 40-case lot at Atlanta, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11186. Adulteration and misbranding of grated cheese. U. S. v. 160 Cards * * * (F. D. C. No. 20253. Sample No. 8489-H.)

LIBEL FILED: June 12, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 7, 1946, by Universal Wholesale Grocery, Inc., from New Britain, Conn. This was a return shipment to the original shipper, the Rialto Food Products Co., Philadelphia, Pa.

PRODUCT: 160 cards, each containing 12 ¾-ounce envelopes, of grated cheese at Philadelphia, Pa. Examination showed that the product contained approximately 19 percent lactose, indicating the presence of a milk product other than cheese.

LABEL, IN PART: (Cards) "Cheese"; (envelopes) "Italian Style Grated Cheese Made from Imported and Domestic Cheese with partially skimmed cheese added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for Italian Style Grated Cheese.